

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

No. CR-13-6051-RHW-1
CR-13-6052-RHW-3

V.

KENNETH JAMES FRENCH,

Defendant.

ORDER DISMISSING INDICTMENTS AS TO DEFENDANT KENNETH JAMES FRENCH

Before the Court are the Government's Motions to Dismiss Indictment as to Defendant Kenneth James French, Case No. CR-13-6051-RHW-1, ECF No. 117; and Case No. CR-13-6052-RHW-3, ECF No. 130. These motions were heard without oral argument. The Government seeks voluntary dismissal of the Indictment in this case under Fed. R. Crim. P. 48(a), after the death of Defendant on January 2, 2014. Although the Government seeks dismissal without prejudice, the Court agrees with Defense Counsel that the above-captioned matter should be dismissed with prejudice. The Court makes no judgment as to merit or wisdom of this dismissal.

Accordingly, IT IS HEREBY ORDERED:

1. The Government's Motions to Dismiss Indictment as to Defendant Kenneth James French, Case No. CR-13-6051-RHW-1, ECF No. 117, and Case No. CR-13-6052-RHW-3, ECF No. 130, are **GRANTED**. The Indictment in the

**ORDER DISMISSING INDICTMENTS
AS TO DEFENDANT KENNETH JAMES FRENCH * 1**

1 above-captioned matters, as to Defendant Kenneth James French, is **dismissed**
2 **with prejudice.**

3 2. All deadlines and hearings as to Defendant Kenneth James French are
4 **STRICKEN.**

5 3. All pending motions as to Defendant Kenneth James French in Case No.
6 CR-13-6051-RHW-1, ECF Nos. 60, 108, and 111; and Case No. CR-13-6052-
7 RHW-3, ECF Nos. 72, 121, and 125, are **DENIED as moot.**

8 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
9 Order, forward copies to counsel.

10 **DATED** this 28th day of January, 2014.

11
12 *s/Robert H. Whaley*
13 ROBERT H. WHALEY
14 Senior United States District Judge
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**ORDER DISMISSING INDICTMENTS
AS TO DEFENDANT KENNETH JAMES FRENCH * 2**